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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,027	02/23/2004	Po Hyoung Koh	LT-0048	3772
34610 7590 08/13/2009 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER ADEGEYE, OLUWASEUN				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 08/13/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/783,027

**Applicant(s)**

KOH ET AL.

**Examiner**

OLUWASEUN A. ADEGEYE

**Art Unit**

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/23/2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 68 is/are pending in the application.  
4a) Of the above claim(s) 1 - 34 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) 35 - 68 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02/23/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/12/2009 with respect to claim 35 have been fully considered but they are not persuasive.

In re page 10, applicants argue that the examiner can not refer to the stored user information as program identification information. In response, the examiner respectfully disagrees. Fig. 2, [056] and [076] of Ogikubo discloses stored user ID that is used for each of the plurality of stored resume marks. The stored user information is used as a program identification information.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 35 – 40, 42 – 44, 46 – 52 and 54 - 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogikubo (US 2003/0063528 A1).

As to **claim 35**, Ogikubo discloses a method of storing a plurality of resume marks associated with data on a recording medium (fig. 2 discloses a plurality of resume marks. Also see [056]), the method comprising:

providing data stored on the recording medium (optical disk D); and  
storing a plurality of resume marks for a plurality of programs to control each program independently (see fig. 2 and [056]), the plurality of programs corresponding to the provided data, wherein each of the resume marks includes last playback position information (position information) having a presentation time stamp (see [056]) and mark type information (date and time information), and wherein the mark type information represents whether an associated program is a most recently played program (see fig. 2 and [056]) among the plurality of programs having resume marks stored therefor (see fig. 2 and [069]).

As to **claim 44**, Ogikubo discloses a resume mark to control each of a plurality of programs independently which are stored on a recording medium (optical disk D) (see fig. 2 and [056]), the resume mark comprising:

a mark type (date and time information) configured to represent whether an associated program is a most recently played program (see fig. 2 and [056]) among the plurality of programs having resume marks stored therefor (see fig. 2 and [069]).

a program ID configured to identify the associated program (see [061]); and

a mark time stamp (position information) configured to represent a last playback position of the associated program (see fig. 2 and [056]).

As to **claim 47**, grounds for rejecting claim 35 apply to claim 47 in its entirety.

As to **claim 36**, Ogikubo disclose the method of claim 35, wherein the last playback position information includes an address corresponding to a last playback position (see [056]. The above paragraph discloses an address).

As to **claim 37**, Ogikubo discloses the method of claim 35, wherein the storing comprises storing the plurality of resume marks in an apparatus for playing back data recorded on the recording medium (see [056] and [06] – [062]).

As to **claim 38**, Ogikubo discloses the method of claim 35, wherein the plurality of resume marks is identified by numbers (see fig. 2 and [056]).

As to **claim 39**, Ogikubo discloses the method of claim 35, wherein the plurality of resume marks each further comprise program identification information for the associated program (see fig. 2 and [061] – [062]).

As to **claim 40**, Ogikubo discloses the method of claim 39, wherein the program identification information is an intrinsic program ID or a program name (see [061]).

As to **claim 42**, Ogikubo discloses the method of claim 35, wherein the storing comprises storing the plurality of resume marks in a particular field of the recording medium (see [057]).

As to **claim 43**, Ogikubo discloses the method of claim 35, wherein the storing comprises storing a plurality of resume marks for each of the plurality of programs (see fig. 2 and [056] – [057]).

As to **claim 46**, Ogikubo discloses the resume mark of claim 43, wherein the mark time stamp includes a presentation time stamp (PTS) or a physical sector number (PSN) corresponding to an associated last playback position (see [056] and fig. 2).

As to **claim 48**, grounds for rejecting claim 36 apply to claim 48 in its entirety.

As to **claim 49**, grounds for rejecting claim 37 apply to claim 49 in its entirety.

As to **claim 50**, grounds for rejecting claim 38 apply to claim 50 in its entirety.

As to **claim 51**, grounds for rejecting claim 39 apply to claim 51 in its entirety.

As to **claim 52**, grounds for rejecting claim 40 apply to claim 52 in its entirety.

As to **claim 54**, grounds for rejecting claim 42 apply to claim 54 in its entirety.

As to **claim 55**, grounds for rejecting claim 35 apply to claim 55 in its entirety.

As to **claim 56**, grounds for rejecting claim 36 apply to claim 56 in its entirety.

As to **claim 57**, grounds for rejecting claim 37 apply to claim 57 in its entirety.

As to **claim 58**, grounds for rejecting claim 39 apply to claim 58 in its entirety.

As to **claim 59**, grounds for rejecting claim 40 apply to claim 59 in its entirety.

As to **claim 60**, grounds for rejecting claim 42 apply to claim 60 in its entirety.

As to **claim 60**, grounds for rejecting claim 42 apply to claim 60 in its entirety.

As to **claim 61**, grounds for rejecting claim 43 apply to claim 61 in its entirety.

As to **claim 62**, grounds for rejecting claim 35 apply to claim 62 in its entirety.

As to **claim 63**, grounds for rejecting claim 36 apply to claim 63 in its entirety.

As to **claim 64**, grounds for rejecting claim 37 apply to claim 64 in its entirety.

As to **claim 65**, grounds for rejecting claim 39 apply to claim 65 in its entirety.

As to **claim 66**, grounds for rejecting claim 40 apply to claim 66 in its entirety.

As to **claim 67**, grounds for rejecting claim 42 apply to claim 67 in its entirety.

As to **claim 68**, grounds for rejecting claim 43 apply to claim 68 in its entirety.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 41, 45 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogikubo in view of Well known Knowledge of the art.

As to **claim 41**, Ogikubo discloses the method of claim 35. However Ogikubo does not disclose wherein the mark type information (date and time information) includes a plurality of values represented by bits.

Official notice is taken that decimal numbers can be easily stored in binary numbers.

It is obvious to one of ordinary skill in the art to have represented the mark type [information (date and time information) in bits rather than in decimal since majority of computer processors represent data in bits.

As to **claim 45**, grounds for rejecting claim 41 apply to claim 45 in its entirety.

As to **claim 53**, grounds for rejecting claim 41 apply to claim 53 in its entirety.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number

is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

08/10/2009

/O.A/